IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2451 OF 2005

Batul House Rahivashi Sangh : Petitioners

V/s.

Brihanmumbai Municipal Corporation & Ors. : Respondents

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Mr.Ketan Chothani i/b. S.S.Jagtap for the petitioners.

Ms Aruna Savla for respondent Nos.1 & 2.

Mr.G.W.Mattos, Asstt. Govt. Pleader for respondent Nos.3 & 4.

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CORAM : H.L.GOKHALE & A.S.OKA,JJ.

DATE : MARCH 1, 2006.

P.C.

1. Heard Mr. Chothani in support of this petition. Ms Savla appears for respondent Nos.1 & 2 and Mr.Mattos, learned Asstt. Govt. Pleader, appears for respondent Nos.3 and 4.

2. This petition is filed by a proposed society of tenants of a building situate in Mazgaon. It is their case that the building has become dilapidated and in spite of bringing its condition to the notice of the respondents, necessary steps for repairs and

reconstruction are not being taken. What has, however, happened in the meanwhile is that a Division Bench of this Court (Dalveer Bhandari, C.J. & Dr.D.Y.Chandrachud, J.) went into the problem concerning reconstruction under D.C. Regulation No.33(7) in Writ Petition No.3189 of 2004 (Joseph Bain D'Souza & Ors. v. State of Maharashtra & Ors.). The Division Bench by its order dated 17.10.2005 directed a Committee of three specified persons to go into all aspects and then decide whether the building requires reconstruction or repairs or otherwise. We are informed by Ms Savla that the Committee consists of: (i) Chief Engineer, MHADA; (ii) Mr.Shantilal Jain; and (iii) one Mr.Dharmadhikari, who are Engineers. The Deputy Chief Engineer, Building Proposal (City), having his office in the Municipal Ward Office at Byculla is appointed as a Nodal Officer. All parties desirous of reconstruction of their building under this Regulation have now to approach this Nodal Officer who is supposed to convene a meeting of the three persons.

3. Mr. Chothani submitted that necessary steps have been taken now and, in fact, at one point of time, N.O.C. had also been given by MHADA. Even then, in view of this development now, the petitioners will have to approach this Nodal Officer making the same request once gain. Mr. Chothani states that necessary application will be made to

this Nodal Officer with three extra copies for the three-member Committee with all supporting documents. He states that the petitioners would like to bring to the notice of the Committee that, in fact, at an earlier point of time, N.O.C. had, in fact, been given and it will be open to the petitioners to set out all factual background when it makes an application. We expect the Nodal Officer to call a meeting of the Committee within two weeks from the receipt of the application from the petitioners and to inform the petitioners as to when and where the meeting of the Committee will be held so that a representative of the petitioner-Sangh can attend and take further steps for reconstruction of the building. The petitioners will deposit an amount of Rs.25,000/- as directed in the judgement with the Nodal Officer when the petitioners make an application. The Committee will take a decision expeditiously.

4. The petition stands disposed of.

H.L. GOKHALE, J.

A.S. OKA, J.